

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Beckley

MICHEAL W. BUCKNER, MICHAEL
MCKOWN, PAUL PICCOLINI and CARLO
TARLEY as Trustees of the UNITED MINE
WORKERS OF AMERICA 1992 BENEFIT
PLAN,

Plaintiffs,

v.

BLUESTONE COAL CORPORATION,
BLUESTONE INDUSTRIES INC., and
KEYSTONE SERVICE INDUSTRIES INC.,

Defendants.

Civil Action No. 5:21-cv-00472

JUDGMENT ORDER

In accordance with the Memorandum Opinion entered May 18, 2023 granting Plaintiffs' Motion for Summary Judgment and the parties having submitted updated calculations, including an itemized affidavit showing the Plaintiffs' attorneys' fees, the Court **ORDERS** as follows:

Judgment is ENTERED in favor of the Plaintiffs in the amount of \$ 154,484.92, which includes:


- a. Unpaid monthly per beneficiary premiums from July 15, 2017 through May 15, 2023 to the UMWA 1992 Benefit Plan pursuant to section 9712(d)(1)(A) of the Coal Industry Retiree Health Benefit Act of 1992, as amended, in the amount of \$ 109,722.42;
- b. Pre-judgment interest on the unpaid monthly per beneficiary premiums through May 31, 2023 in the amount of \$15,050.52;
- c. Liquidated damages calculated as equal to 20% of the total principal owed in the amount of \$21,944.48;

d. Reasonable attorney's fees in the amount of \$7,757.50. [See Doc. 45-1, Affidavit of Paul M. Stroebel].

The Court **DIRECTS** the Clerk to send a certified copy of this Judgment Order to counsel of record and to any unrepresented party.

Entered: June 21, 2023




Frank W. Volk
United States District Judge

Presented by:

/s/ Paul Stroebel
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